

Amendment No. 1 to HB0304

Hill T
Signature of Sponsor

AMEND Senate Bill No. 384

House Bill No. 304*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-1304, is amended by deleting subsections (d) and (e) and substituting instead the following:

(d)

(1) As used in this subsection (d):

(A) "License" means a permit, approval, registration, or certificate issued by a state agency and held by an individual person. The term "license" as used in this subsection excludes licenses issued to business entities, firms, physical locations, and supervisory personnel;

(B) "Member of the armed forces" means a member of the United States armed forces or a member of a reserve or Tennessee national guard unit who is in, or was called into, active service or active military service of the United States, as defined in § 58-1-102; and

(C) "State agency" means a state board, agency, commission, or any other entity attached to the division of regulatory boards, as listed in subsection (a).

(2) Notwithstanding any other exemption from licensure requirements, the following persons may engage in the practice of an occupation or profession regulated by a state agency under titles 16, 46, 55, 62, and 68 without being licensed pursuant to that title:

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(A) A member of the armed forces while the person is stationed within this state if:

(i) The person holds a valid license to practice the regulated occupation or profession issued by another state or jurisdiction recognized by the department as having equivalent requirements for licensure;

(ii) The license is current and the person is in good standing in the state or jurisdiction of licensure;

(iii) The person agrees in writing to subject themselves to the jurisdiction of the state agency with respect to harms or violations of statutes and rules; and

(iv) The person provides notice by registering with the state agency administering the profession in which the person is licensed in the other jurisdiction to practice; and

(B) The spouse of a member of the armed forces while the member is stationed in this state if:

(i) The spouse holds a valid license to practice the regulated occupation or profession issued by another state or jurisdiction recognized by the department as having equivalent requirements for licensure;

(ii) The license is current and the spouse is in good standing in the state or jurisdiction of licensure;

(iii) The spouse agrees in writing to subject themselves to the jurisdiction of the state agency with respect to harms or violations of statutes and rules; and

(iv) The spouse provides notice by registering with the state agency administering the profession in which the person is licensed in the other jurisdiction to practice.

(3) A person who holds a valid license to practice an occupation or profession in another state or jurisdiction and practices in this state pursuant to this subsection (d) must apply for the license in this state either prior to its expiration in the other state or jurisdiction or within one (1) year of the date the person began practicing in this state, whichever occurs first.

(e) The commissioner and each regulatory board shall, upon application for certification or licensure, accept military education, training, or experience completed by a person toward the qualifications to receive a license or certification if such education, training, or experience is determined by the commissioner or board to be substantially equivalent to the standards of this state.

SECTION 2. Tennessee Code Annotated, Section 68-1-101(b)(1)(A)(iv), is amended by deleting the subdivision.

SECTION 3. The commissioner of commerce and insurance and the commissioner of health shall promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to all persons who make application for an exemption from licensure under this act.